

UNITED STATES COURT OF APPEALS

July 21, 2009

FOR THE TENTH CIRCUIT

Elisabeth A. Shumaker
Clerk of Court

THONGCHAY DUANYAI,

Petitioner - Appellant,

v.

CLINTON FRIEL, Warden, Utah State
Prison; UTAH ATTORNEY
GENERAL,

Respondents - Appellees.

No. 09-4039
(2:05-CV-01053-DAK)

ORDER

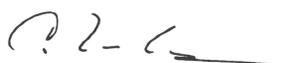
This matter is before the court on the appellant's "Motion to Dismiss Appeal Process Without Prejudice." The motion is construed as a motion for voluntary dismissal of this appeal pursuant to Fed. R. App. P. 42 (b). As so construed, the motion is granted.

This appeal is dismissed.

A copy of this order shall stand as and for the mandate of this court.

Entered for the Court
ELISABETH SHUMAKER, Clerk of Court

by:



Christine Van Coney
Counsel to the Clerk